

REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Regarding the statement in the Final Rejection that the objection to the specification has not been withdrawn (see Final Rejection, section 2), the Applicants respectfully note that no objection has yet been applied to the specification.

Claims 1, 4, 6, and 8 have been amended, and claim 7 has been cancelled. Support for these amendments is provided, for example, in Figs. 4A-4D and 11 and paragraphs [0106]-[0107] of Applicants' published specification. The amendments were not presented earlier due to the unforeseeability of the remarks presented in the Final Rejection. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claims 2, 3, and 5 stand withdrawn from consideration as being directed toward non-elected subject matter.

Claims 1, 4, 6, and 8 were rejected, under 35 USC §102(b), as being anticipated by Daoud (US 4,835,791). To the extent that these rejections may be deemed applicable to the amended claims presented herein, the Applicants respectfully traverse based on the points set forth below.

Claim 1 now defines a modulation apparatus that performs single side band (SSB) modulation to obtain a lower side band (LSB) signal using a carrier frequency that is higher, by the fundamental frequency of an input symbol, than a carrier frequency that is used to obtain an

upper side band (USB) signal, such that the LSB signal and USB signal are multiplexed in the same frequency band.

By contrast to the Applicants' claimed subject matter of obtaining a LSB signal using a carrier frequency that is higher, by the fundamental frequency of an input symbol, than a carrier frequency used to obtain a USB signal, Daoud discloses nearly the opposite feature. Specifically, Daoud discloses obtaining a USB signal using a carrier frequency that is higher (so as to reduce crosstalk) than a carrier frequency used to obtain an LSB signal (see Daoud col. 4, lines 38-49).

The advantages of the Applicants' claimed subject matter with respect to that disclosed by Daoud were identified in Applicants' Amendment of August 28, 2009, but are not specified herein because the Final Rejection misconstrued the identification of these benefits as Applicants' remarks for distinguishing the claimed subject matter from Daoud's disclosure and the Applicants wish to avoid a similar occurrence with the present remarks. The claimed subject matter identified in the immediately preceding paragraph distinguishes claim 1 from Daoud's disclosure, as similarly stated in Applicants' Amendment of August 28, 2009. And Daoud's disclosure in column 4, lines 38-49, as described above, is the opposite of that proposed by the Final Rejection (see Final Rejection page 5, fourth bullet).

Moreover, Applicants' claim 1 now recites a benefit identified in the remarks of Applicants' Amendment of August 28, 2009. Specifically, claim 1 recites that an LSB signal and a USB signal are multiplexed in the same frequency band. The Final Rejection acknowledges that Daoud does not disclose this subject matter by stating that such was not recited in the claims of record on August 28, 2009, and by failing to address whether Daoud discloses this subject

matter. Thus, Applicants' claim 1 distinguishes over Daoud's disclosure for this independent reason.

Accordingly, the Applicants submit that Daoud does not identically disclose the subject matter now defined by claim 1 and, thus, does not anticipate this claim. Independent claim 4 now similarly recites the above-mentioned subject matter distinguishing apparatus claim 1 from Daoud, but with respect to method. Therefore, allowance of claims 1 and 4 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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